IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 189 of 2004 (S/B)

Sardar Singh Sharma ……. Petitioner

Versus

State of Uttaranchal & others …….. Respondents

Mr. Sharad Sharma, learned counsel for the petitioner.
Learned Standing Counsel for the State.

Hon. P.C. Verma, A.C.J.
Hon. P.C. Pant, J.

This writ petition has been field by the petitioner challenging the order dated 26.6.2004 passed by respondent No. 7, by which the petitioner has been transferred from District Haridwar to District Bageshwar.

Heard Mr. Sharad Sharma, learned counsel for the petitioner and learned Standing Counsel for the State.

Petitioner was initially appointed in 1997 as Block Development Officer in District Champawat. Thereafter, respondent No. 1 vide its order dated 9.7.2002 transferred the petitioner to District Bageshwar. In pursuance of this order, petitioner joined at Bageshwar, from where he sought transfer to District Dehradun on the ground that his wife is posted at Dehradun. On his request, respondent No. 7 vide order dated 24.7.2003 transferred the petitioner from District Bageshwar to District Haridwar, where he joined on 10.6.2004. But on 26.6.2004 respondent No. 7 passed another order, whereby the petitioner was again transferred back to District Bageshwar.

Learned counsel for the petitioner submitted that the transfer order passed after 15 days of joining is vindictive in as much as the petitioner has again been sent back to District Bageshwar.

It appears that the transfer of the petitioenr within 15 days is nothing, but is in the exigency of service. Therefore, a fresh transfer order has been passed. It is for the Government to pass a transfer order in exigency of service. Until and unless there is malafide

against the transferring officer concerned, the transfer order cannot be interfered with.

Learned counsel for the petitioner submitted that the petitioner may be permitted to make a representation to the Government and that may be considered by the Government.

Therefore, it is provided that if any representation is made by the petitioner within three days form today, the same shall be decided within 10 days from today. For 10 days, petitioner shall not be relieved.

With the aforesaid observations, the writ petition is disposed of finally. No order as to costs.

(P.C. Pant, J.) **(P.C. Verma, A.C.J.)**

Dt. 06.07.2004.
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